

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**ALLEN DOUGLAS HALE, III**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.1:16CV113-LG-RHW**

**CITY OF BILOXI, MISSISSIPPI;  
KENNETH GARNER, Individually;  
DARREN LEA, Individually; and  
JOHN AND JANE DOES 1-10, Individually**

**DEFENDANTS**

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**AFFIDAVIT OF JOHN MILLER**

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STATE OF MISSISSIPPI

COUNTY OF HARRISON

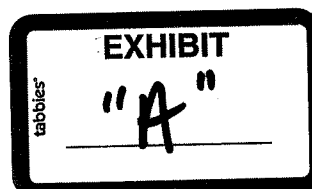
1. My name is John Miller and I am an adult resident citizen of Jackson County, Mississippi and am over the age of eighteen (18) years;

2. This Affidavit is based upon my personal knowledge of the facts contained herein;

3. I currently serve a Director of Police for the City of Biloxi Police Department and have served in that capacity since 2009;

4. As Director of Police, I am personally familiar with the policies, practices, and procedures of the officers and employees of the Biloxi Police Department, including the pre-employment and post-employment training they received and are required to continue during the course of their employment as police officers;

5. I also have personal knowledge of the accreditation process and requirements related to the Biloxi Police Department being accredited by the Mississippi Law Enforcement Accrediting Commission ("MSLEAC") in conjunction with the Commission of Accreditation of



Law Enforcement Agencies (“CALEA”);

6. After being appointed Director of Police, I directed that the Department submit to independent review by MSLEAC to obtain accreditation demonstrating that the policies, practices, and procedures employed by the Biloxi Police Department complied with the accepted legal standards for law enforcement agencies;

7. The accreditation process required an independent audit and review of all policies, practices, and procedures related to the operations of the Department, including pre-deployment and post-deployment training provided to officers and other staff;

8. The review included review of field operations of officers and the policies related thereto including, but not limited to, arrest procedures, search and seizure procedures, use of force policy, response to resistance and use of taser policy;

9. The accreditation also included review of the training provided to officers and staff, both pre and post-deployment;

10. The Biloxi Police Department received accreditation as being compliant in all areas in 2010;

11. The Biloxi Police Department submitted to independent review for recertification in 2013 and 2017 and was recertified;

12. As Director of Police, I am personally familiar with the pre-deployment and post-deployment training required of officers by the Biloxi Police Department;

13. Upon hire, an officer initial completes two (2) weeks in-house training conducted by the Biloxi Police Department. The officer is then required to complete four hundred hours of training at the Mississippi State Academy as mandated by the Mississippi Law Enforcement

Standards and Training Board. Upon completion, Biloxi Police Department requires an additional five hundred plus hours of in-field training and instruction in the company of a trained and experienced officer. An officer is not allowed to perform his or her duties by themselves until such training is completed;

14. Annual training of officers include the completion of at least twenty-four hours in-service training as approved and mandated by the state standards and training Board. This training encompasses all areas of law enforcement policy, procedure and in-field procedures. Additionally, Biloxi Police Department requires that all officers must undergo training and ethical and legal issues each year. All officers must undergo training in response to resistance annually. All officers are required to be certified in firearm proficiency and recertified annually through two or more training classes;

15. All officers authorized to carry and use a taser are required to be certified as to the proper deployment and use and are required to be recertified annually;

16. All officers are trained in use of force policy and procedure prior to deployment at the State Academy and are retrained every one to two years during their employment;

17. Biloxi utilizes the “use of force continuum” to train and re-train officers as to the permissible use of force under the circumstances they are confronted with in the field. The “use of force continuum” is the accepted method of training related to use of force by virtually all law enforcement agencies nationally;

18. The “use of force continuum” illustrates the five recognized levels of perception and the five corresponding levels of response. It also trains in de-escalation. The training includes in-field simulation;

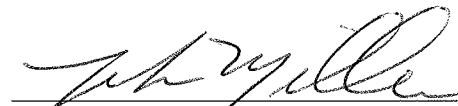
19. Any use of force, whether lethal or non-lethal, including the discharge of a firearm or taser, is required to be reported to Biloxi Police Department and is reviewed internally to ensure use has complied with the appropriate policies and procedures. Where necessary, additional review is performed by an external agency. The discharge of a firearm at a citizen is reviewed by an external agency;

20. All use of force incidents were reviewed as part of the accreditation process in 2010, 2013 and 2017;

21. Sergeant Kenneth Garner and Sergeant Darren Lea are employed by the Biloxi Police Department and were required to undergo the training and have continued training as outlined herein; and

22. Further Affiant sayeth naught.

THIS the 19 day of June, 2017.



JOHN MILLER  
Director of Police for Biloxi Police  
Department

SWORN TO AND SUBSCRIBED BEFORE ME on this the 19<sup>th</sup> day of  
June, 2017.

  
NOTARY PUBLIC

My Commission Expires:

29 Aug 2019

